

REMARKS

Claims 19, 21-32, 34, 35, and 37 are pending in the present application, with claims 19, 32 and 35 being independent. Claims 19, 24, 25, 29, 30, 32, and 35 have been amended. No new matter is added.

In the office action dated April 14, 2010, claims 32 and 34 are rejected under 35 U.S.C. §101 and claims 19, 21-32, 34, 35, and 37 are rejected under 35 U.S.C. §103. Applicants respectfully traverse the outstanding rejections of the claims.

Examiner Interview

Applicants thank Examiner Bilgrami for conducting an interview with applicants' undersigned representative on June 29, 2010. Applicants and the examiner discussed the proposed amendments and application of the cited references. Set forth herein is a summary of the arguments and traversals presented in the interview.

Rejections under 35 U.S.C. §101

In the office action, claims 32 and 34 are rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Claims 32 and 34 have been amended to address this rejection. Reconsideration and withdrawal of the rejection of claims 32 and 34 is respectfully requested.

Rejections under 35 U.S.C. §103

In the office action, claims 19, 25-32, 34, 35, and 37 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,801,949 issued to Bruck *et al.* (hereinafter "Bruck") in view of U.S. Patent No. 6,490,610 issued to Rivzi *et al.* (hereinafter "Rivzi") in further view of U.S. Patent No. 6,154,765 issued to Hart (hereinafter "Hart"). Applicants respectfully traverse this rejection.

While applicants maintain the traversals set forth in each previously filed response, applicants have amended claim 19 in the interest of advancing prosecution. Claim 19 recites

“receiving, at the client-side NAM, a request from the client application comprising a server name and a cluster name of the server cluster; sending, by the client-side NAM, a first Server Resolution Protocol request in user datagram protocol (UDP) to the server cluster requesting first connection information for a server associated with the server name; receiving, at the client-side NAM, a first Server Resolution Protocol reply comprising the connection information of the first server, wherein the connection information of the first server comprises a port number for a Virtual Interface Architecture (VIA) port of the first server; establishing, by the client-side NAM, a first connection between the client application and the VIA port of the first server in the server cluster using a VIA protocol.” Applicants respectfully assert that these elements are not disclosed by the cited references.

The office action asserts that Bruck, at column 6, lines 45-49, discloses establishing, by the client-side NAM, a first connection between the client application and the first server in the server cluster using a VIA protocol, summarizing this as establishing a connection between a client and one of the multiple servers. The cited section of Bruck merely states “Each of the distributed servers 206, 208, 210, 212 operates to provide a resilient network connection in which network addresses can be moved among the cluster machines without breaking network connections between clients and the servers.” As one skilled in the art will recognize, this section of Bruck does not disclose or suggest establishing by a client-side NAM a connection using a VIA protocol (applicants note that Bruck fails to even mention the VIA protocol or Virtual Interface Architecture protocol.) More particularly, this section of Bruck fails to disclose or suggest “receiving, at the client-side NAM, a request from the client application comprising a server name and a cluster name of the server cluster; sending, by the client-side NAM, a first Server Resolution Protocol request in user datagram protocol (UDP) to the server cluster requesting first connection information for a server associated with the server name; receiving, at the client-side NAM, a first Server Resolution Protocol reply comprising the connection information of the first server, wherein the connection information of the first server comprises a port number for a Virtual Interface Architecture (VIA) port of the first server; establishing, by

the client-side NAM, a first connection between the client application and the VIA port of the first server in the server cluster using a VIA protocol” as claimed in claim 19.

The office action also asserts on page 5 that “connection information is a catchall for IP address, network address and respective subnet.” Applicants respectfully disagree. As claimed in claim 1, connection information comprises a port number for a Virtual Interface Architecture (VIA) port. This aspect of claim 1 is not suggested or disclosed by Bruck. The office action further asserts on the same page that Bruck, at column 27, lines 46-67 and column 8, lines 1-24, discloses establishing by the NAM a VIA protocol connection between a client application and a server using connection information. As noted above, Bruck fails to mention at all the VIA protocol. Moreover, these sections of Bruck merely disclose that servers in a cluster may have multiple network interfaces and dynamically primary and virtual IP addresses which may be reassigned to other servers. There is no suggestion or disclosure of “establishing, by the client-side NAM, a first connection between the client application and the VIA port of the first server in the server cluster using a VIA protocol” as claimed in claim 19.

Claim 19 also recites “receiving, by the client-side NAM, a second Server Resolution Protocol reply from the server cluster comprising connection information of the second server as the new working server, wherein the connection information of the second server comprises a port number for a VIA port of the second server; caching, by the client-side NAM, the second Server Resolution Protocol reply in the cache of the client computer such that the cache contains a mapping between the connection information of the second server and the cluster name and the server name; and establishing, by the client-side NAM, a second connection between the client application and the VIA port of the second server using the VIA protocol based on the connection information of the second server.” For the reasons set forth above, Bruck cannot be said to disclose or suggest these elements. Furthermore, Bruck fails to disclose or suggest caching a Server Resolution Protocol reply that comprises a port number for a VIA port of a server.

The office action asserts that because Rizvi cures deficiencies of Bruck by disclosing automatic server failover for clients. Applicants respectfully disagree. Like Bruck, Rizvi also

fails to even mention the VIA protocol, and therefore cannot be said to disclose or suggest connection information comprising a VIA port of a server, caching a Server Resolution Protocol reply that comprises a port number for a VIA port of a server, or establishing, by a client-side NAM, a connection between a client application and the VIA port of a server using the VIA protocol.

The office action asserts that because Hart merely states, at column 8, lines 31-33, “The use of a low latency, high bandwidth interconnect such as Virtual Interface Architecture (VIA), will reduce the backup overhead”, Hart cures the deficiencies of Bruck and Rizvi. Applicants respectfully disagree. There is no disclosure or suggestion in Hart of elements such as connection information comprising a VIA port of a server, caching a Server Resolution Protocol reply that comprises a port number for a VIA port of a server, or establishing, by a client-side NAM, a connection between a client application and the VIA port of a server using the VIA protocol, and Hart merely mentions VIA protocol in two sections completely unrelated to the presently claimed subject matter. Thus, it would not have been obvious to one skilled on the art to combine Hart, Bruck, and Rizvi.

Accordingly, Bruck, Rivzi, and Hart, taken individually or in any combination, do not disclose or suggest each and every element of claim 19 and the arrangement of those elements. Therefore, these references cannot be said to render obvious the subject matter of claim 19. For similar reasons, these references cannot be said to disclose or suggest the subject matter of independent claims 32 and 35. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19, 32, and 35 under 35 U.S.C. §103(a).

Applicants acknowledge that the office action asserts additional grounds for rejection of the remaining claims, all of which are dependent, directly or indirectly, upon claims 19, 32 and 35. However, in view of the traversals and amendments set forth with respect to the independent claims, applicants believe that all pending claims are in condition for allowance. Moreover, applicants submit that the remaining claims recite features that provide a separate basis for patentability. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of all claims that depend from independent claims 19, 32 and 35. Applicants reserve

DOCKET NO.: MSFT-0688 (180597.1)

Application No.: 09/924,731

Office Action Dated: April 14, 2010

PATENT

the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

CONCLUSION

In view of the foregoing, applicants respectfully submit that this application, including claims 19, 21-32, 34, 35, and 37, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the examiner believe that anything further would be desirable in order this application in even better condition for allowance, the examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge any fee deficiency, charge any additional fees, or credit any overpayment of fees, associated with this application in connection with this filing, or any future filing, submitted to the U.S. Patent and Trademark Office during the pendency of this application, to Deposit Account No. 23-3050.

Respectfully submitted,

Date: July 14, 2010

/Aaron F. Bourgeois/
Aaron F. Bourgeois
Registration No. 57,936

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439